

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
 ADVISORY PLAN COMMISSION
 BOARD OF ZONING APPEALS
 ZONING ENFORCEMENT
 BUILDING PERMITS

Meeting Date:	June 18, 2007
Docket Number:	0706-VS-020
Appellant:	Washington Township Parks and Recreation Department
Property Address:	21107 U.S. 31 North (MacGregor Park)
Special Exception Request:	<i>WC 16.06.050, A2</i> On-Site Plantings

EXHIBITS

- | | |
|--|------------|
| 1. Staff Report | 06/18/2007 |
| 2. Aerial Location Map, Zoning Map & Existing Land Use Map | 06/18/2007 |
| 3. Property Cards | 06/07/2007 |
| 4. Appellant's Application and Plans | 05/21/2007 |

RELATED CASES

- | | |
|-------------|---|
| 0706-VS-016 | Parking lot island plantings – variance request |
| 0706-VS-017 | Buffer yard requirements – variance request |
| 0706-VS-018 | Road frontage plantings – variance request |
| 0706-VS-019 | Side yard setback – variance request |

VARIANCE OF STANDARD REQUEST

This variance of standard request is to reduce the on-site planting requirements from 2 shade trees per acre, 3 ornamental or evergreen trees per acre, and 10 shrubs per acre to 0 shade trees per acre, 0 ornamental or evergreen trees per acre, and 0 shrubs per acre (*WC 16.06.050, A2*).

PROPERTY INFORMATION

The subject property is currently approximately 43 acres in size (see Exhibit 3). The subject property is located on the east side of U.S. 31 and is approximately 60 feet north of S.R. 38. The subject property is zoned AG-SF1. The property is heavily wooded and is being used as a public park (identified as 'Vacant' on Exhibit 2 because of being largely a wooded area).

The subject property is surrounded on all sides by a combination of agricultural and single-family residential uses (see Exhibit 2). A single-family residence is also located in the middle of the park's area; a common drive is shared between the park and the residence. Property on all sides is also zoned AG-SF1. Portions of the subject property fall within the U.S. 31 Overlay District, however, the proposed impacted area of the subject property does not fall within the

U.S. 31 Overlay District. A utility easement for the high-tension power lines crosses the southern portion of the site from northeast to southwest.

PROPERTY HISTORY

There are no previous variance, special exception, development plan, subdivision plat, or rezoning cases on record for the subject property.

ANALYSIS

The submitted plans depict a new restroom/maintenance facility on the southeastern portion of the subject property; the facility would be located approximately 1,800 feet from U.S. 31. The submitted plans depict an eco-friendly design to the structure, drive and parking areas, and drainage system. The plans also depict an eight-foot (8') walking path. The path is generally located along the perimeter of the park's property and continues on private property, via an access easement, to create a complete loop.

The Westfield-Washington Township Zoning Ordinance does not adequately address the development of institutional uses, such as public parks – this is especially true when trying to apply the Town's landscaping standards to a park site. MacGregor Park is a nature-conservatory, and the intent of a nature-conservatory is to conserve, preserve, and maintain the natural habitat by making only minimal disturbances to the land for improvements. Applying linear, unnatural landscaping standards to a heavily wooded nature park is contrary to the intent of a nature-conservatory.

For the terms of determining on-site planting requirements, a public park would be considered an institutional use in the Town's Landscaping Standards. Institutional uses are required to provide 2 shade trees per acre, 3 ornamental or evergreen trees per acre, and 10 shrubs per acre. The majority of the subject property is heavily wooded.

Deed restrictions limit the available use of the subject property and require conservation of the wooded areas.

The proposed plans would be required to meet all remaining standards not varied by these requests and would require development plan approval from the Advisory Plan Commission.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of on-site planting requirements is to enhance the aesthetics of a site, provide visual relief for a site, and provide environmental benefits to a site. The nature of MacGregor Park is heavily wooded and meets the intent of the standard. By not installing additional plantings, the public health and safety of the community would not be compromised.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: It is unlikely that the approval of the requested variance of standard would affect adjacent properties in a substantially adverse manner. The subject property is predominately wooded. By not installing additional plantings on the subject property, the use and value of neighboring properties would not be negatively impacted.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: The intent of a nature-conservatory is to conserve, preserve, and maintain the natural habitat by making only minimal disturbances to the land for improvements. Requiring additional plantings on a nature conservatory would be contrary to the goals, use, and function of the subject property.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

Should the Board approve this variance of standard request, the following condition would be appropriate:

1. That all conditions associated with variance requests 0706-VS-016, 0706-VS-017, 0706-VS-018 and 0706-VS-019 are binding on the subject property.



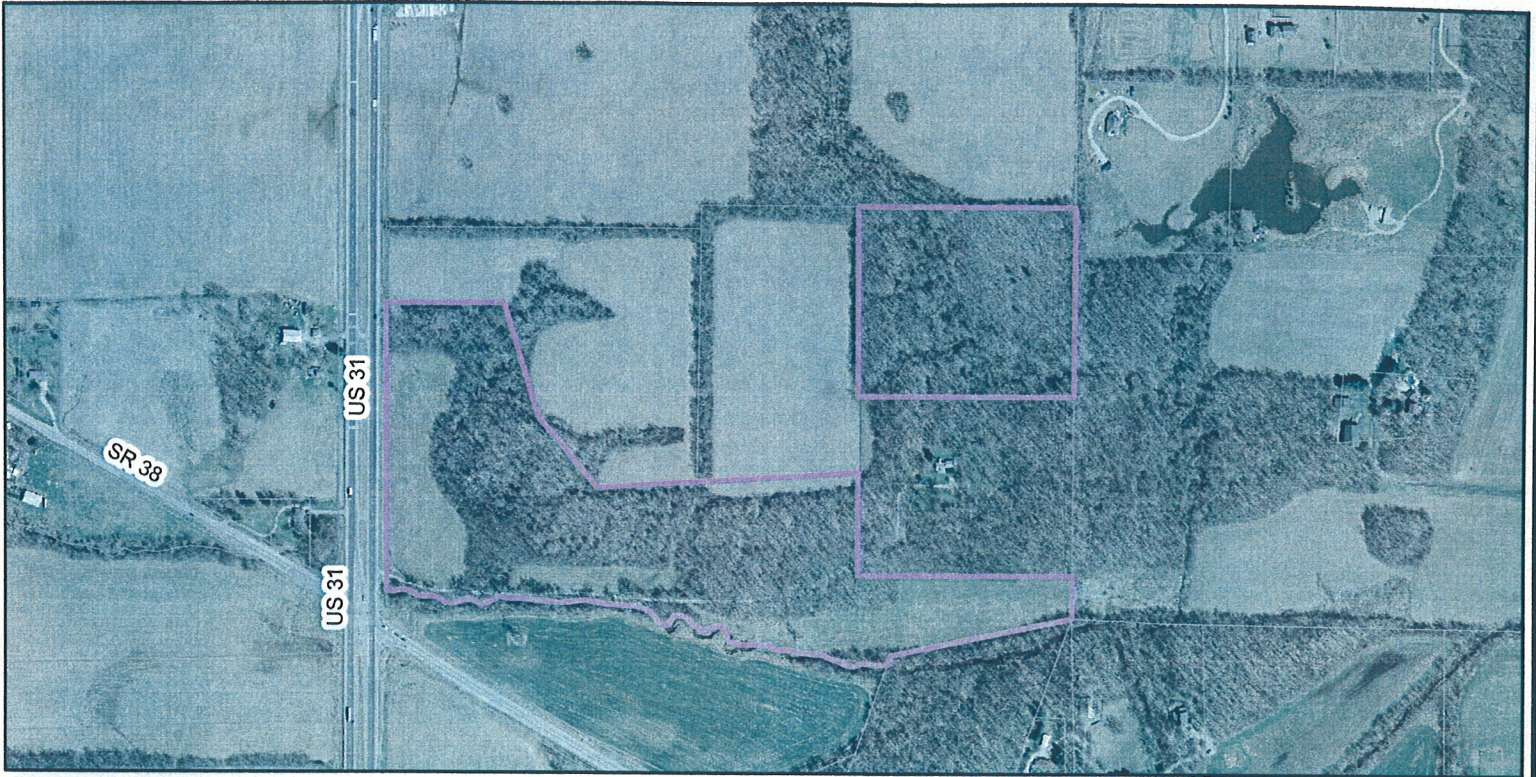
0706-VS-01, 0706-VS-017, 0706-VS-018,
0706-VS-019, 0706-VS-020
08-06-18-00-00-003-000
21107 US 31
Exhibit 2



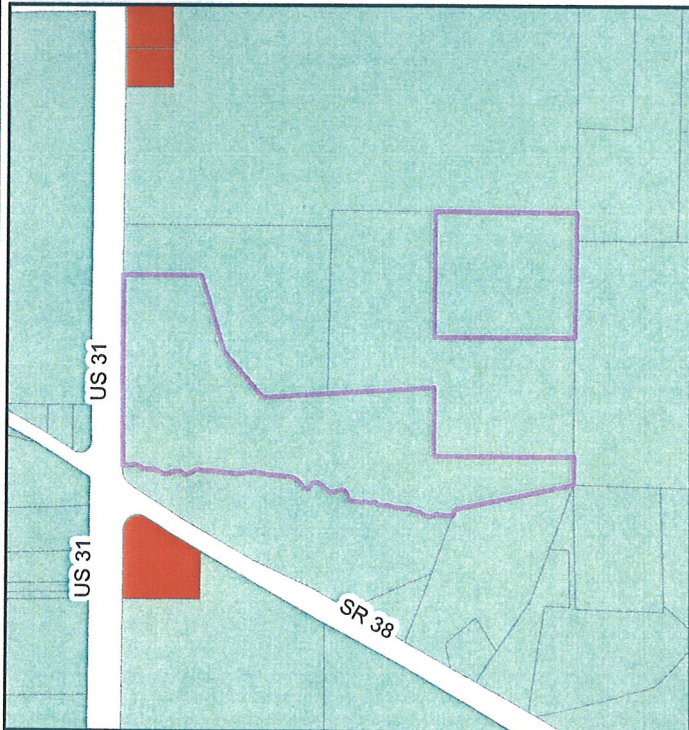
Community Development Department

Aerial Location Map

 Site

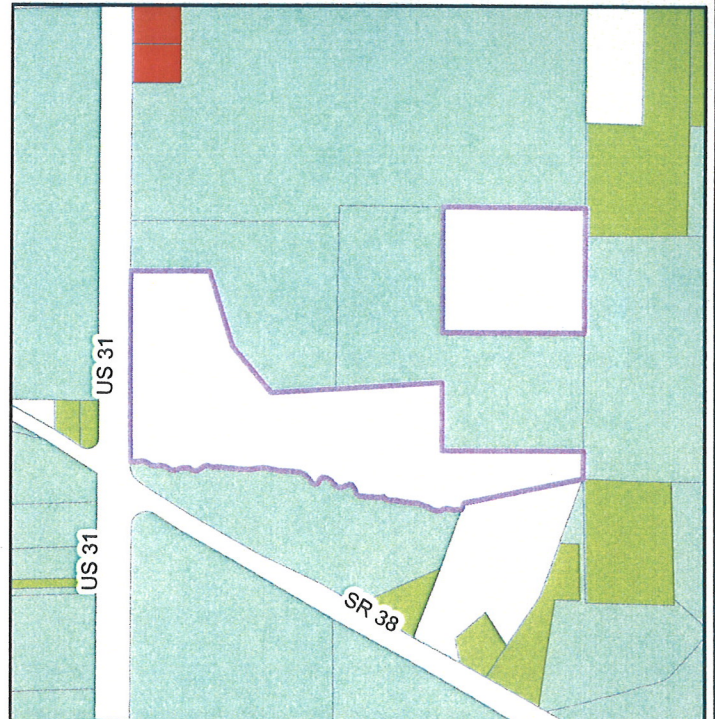


Zoning Map



-  Agriculture Single Family 1
-  General Business

Existing Land Use Map



-  Agriculture
-  Residential Non-urban
-  Vacant

Property Card Report

1. report type

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

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Summary Information - Parcel Number: 08-06-18-00-00-003.002

Property Data

Parcel Location	Us 31, Westfield
Taxing Unit	Washington
Legal Description	10/18/01 split fr 003.000, 031.000 & combined w/025.000 2001-
Section/Township/Range	S18 T19 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	31.05
Effective Frontage	
Effective Depth	
Property Class	Exempt Township

Exterior Features and Out Buildings

Property Owner as of April 29, 2006

Washington Township of Hamilton County

Most Recent Valuation as of March 1, 2005

Assessed Value: Land	17300
Assessed Value: Improvements	0
Total Assessed Value:	17300

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Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

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Summary Information - Parcel Number: 08-06-18-00-00-003.001**Property Data**

Parcel Location	Us 31, Westfield
Taxing Unit	Washington
Legal Description	10/18/01 split fr 003.000 fr 2001-66698 10/31/01 drawing of
Section/Township/Range	S18 T19 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	11.56
Effective Frontage	
Effective Depth	
Property Class	Exempt Township

Exterior Features and Out Buildings**Property Owner as of April 29, 2006**

Washington Township of Hamilton County

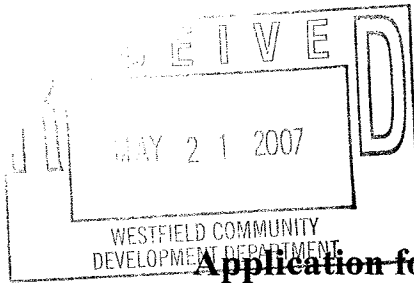
Most Recent Valuation as of March 1, 2005

Assessed Value: Land	1700
Assessed Value: Improvements	0
Total Assessed Value:	1700

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Petition Number: 0706-VS-020
Date of Filing: 5/21/07

**Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Washington Twp Parks & Rec
Address 1549 E. O Grzyhound Pass
Carmel 46032
Telephone Number 317-574-1074
E-Mail Address _____
2. Landowner's Name same
Address _____
Telephone Number _____
3. *Representative Melody Sweet
*Address 1549 E Grzyhound Pass
Carmel, 46032
*Telephone Number 317-574-1074 x 4
*Email Address msweet@washingtontownship-hc.us

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
MacGregor Park
21107 W 31 North
Westfield 46074
5. Legal description of property (list below or attach)
see attached boundary survey
6. Complete description of the nature of the development standard variance applied for:
WC 16-06.050 A 2 on site standards
(institutional uses)

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

will not

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

will not

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

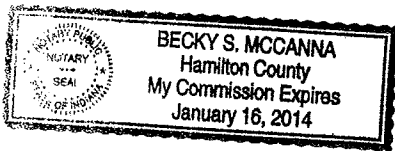
The Park includes 42 acres of the whole 80 acres, once owned by the Beal's family. They gifted all the forested tracts to the park dept. All but 2 small areas are completely forested. The only area that we could construct our facility lies just outside the 150' wide IPh powerline easement that prohibits planting of trees or bushes or buildings.

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Washington Twp. Parks & Rec.
Applicant Melody Sweet, Director

SUBSCRIBED AND SWORN TO ME THIS 21st DAY OF May, 2007.

Becky S. McCanna
Notary Public



My commission expires: Jan 16, 2014